

MARCUS CONAWAY
4029 Hilton Road
Baltimore, MD 21216

Plaintiff,

v.

P/O KEITH GLADSTONE
5271 Reisterstown Road
Baltimore, MD 21215

and

P/O DAVID SMITH
5271 Reisterstown Road
Baltimore, MD 21215

and

P/O WILLIAM A. BEARDE
5271 Reisterstown Road
Baltimore, MD 21215

Defendants.

IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY

Case No.:

JFM 06 CV 1193

* * * * *

COMPLAINT and DEMAND FOR JURY TRIAL

Comes Now, Plaintiff, Marcus Conaway by and through counsel, Randall J. Craig, Jr. and the law firm of Craig & Henderson, LLC and files this Complaint against the Defendants and for grounds in support thereof states as follows:

JURISDICTION

1. This Court has jurisdiction of the within cause in that the cause of action accrued in Baltimore City and the Defendant either resides or engages in regular business activities in Baltimore City.

PARTIES

2. Plaintiff is a resident of the State of Maryland.
3. Defendants, P/O Keith Gladstone, P/O David Smith and P/O William A. Bearde were and are sworn members of the Baltimore City Police Department and at all times herein were acting in their official capacity.
4. Said officers are the people responsible for Plaintiff's injuries here and were acting within the course and scope of their employment as police officers for the City of Baltimore.

FACTS COMMON TO ALL COUNTS

5. On or around Wednesday September 10, 2003 at approximately 2:10 pm the Plaintiff was one of the two passengers in a vehicle that was traveling along the 3200 block of West Belvedere.
6. The vehicle was pulled over by Police Officers Gladstone, Smith and Bearde.
7. The Defendants ordered the driver and the passengers to exit the vehicle. Handcuffs were placed on the driver of the vehicle, Michael Williams and the other passenger, Roy Conaway.
8. Before the officers could search the Plaintiff, he ran. However, Officer Bearde grabbed the Plaintiff's shirt and tackled him to the ground.

9. All of the Defendants proceeded to beat the Plaintiff with their nightsticks. The blows landed on the Plaintiff's face and head.
10. As they were beating him, an unloaded gun fell out of the Plaintiff's pocket.
11. Even though the Plaintiff had been placed in handcuffs, witnesses observed the Defendants beating the Plaintiff with their nightsticks.
12. A bystander who observed the beating called for an ambulance however the Defendants were observed hiding the bloodstains on the street by kicking dirt over the blood.
13. The Defendants were also heard laughing about how they had beat the Plaintiff.
14. The Plaintiff was eventually escorted to Sinai Hospital by the Defendants where he received the much needed medical attention.
15. When medical personnel inquired as to how the Plaintiff received his injuries, the Defendants replied that the Plaintiff had "fallen".
16. The Plaintiff was then taken to Central Booking and ultimately released on September 13, 2003, Saturday evening.

COUNT I -- BATTERY

17. Plaintiff realleges and incorporates herein by reference the proceeding allegations of the Complaint as if fully set forth herein.
18. The Plaintiff suffered multiple blows to his head and face as a result of being beaten by the Defendants with their nightclubs.
19. Defendants conduct constituted an intentional touching of the Plaintiff and was undertaken deliberately and with actual or implied malice.

20. As a result of Defendants' conduct Plaintiff suffered substantial damages, including but not limited to, extreme and permanent pain and suffering and debilitating injury to face and head, humiliation and mental distress.

WHEREFORE, Plaintiff, Marcus Conaway, demands, judgment against the Defendants, P/O Gladstone, P/O Smith and P/O Bearde jointly and severally for compensatory damages in the sum of Five Hundred Thousand Dollars (\$500,000.00), and for punitive damages in the amount of one million dollars (\$1,000,000.00) plus interests and costs.

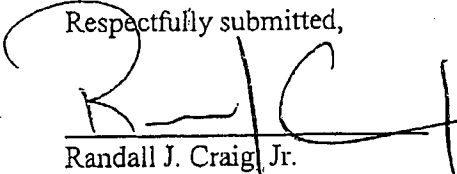
VIOLATIONS OF ARTICLE 24 and 26 of the Maryland Declaration of Rights

21. Plaintiff realleges and incorporates herein by reference the proceeding allegations of the Complaint as if fully set forth herein.
22. By engaging in the acts, omissions and misconduct described in this Complaint, the Defendants violated the constitutional rights of the Plaintiff secured by Articles 24 and 26 of the Maryland Declaration of Rights.
23. As a direct and proximate cause of said violations, the Plaintiff sustained serious and severe personal injuries, including but not limited to physical pain due to the anguish that this assault has caused.
24. In committing the said violations of Article 24 and 26 of the Maryland Declarations of Rights, the Defendant acted with actual malice toward the Plaintiff.

WHEREFORE, Plaintiff, Marcus Conaway, demands, judgment against the Defendants, P/O Gladstone, P/O Smith and P/O Bearde jointly and severally for compensatory damages in the sum of Five Hundred Thousand Dollars (\$500,000.00), and

for punitive damages in the amount of one million dollars (\$1,000,000.00) plus interests and costs.

Respectfully submitted,



Randall J. Craig, Jr.

CRAIG & HENDERSON, L.L.C.

KEYSER BLDG – Suite 800

207 East Redwood Street

Baltimore, MD 21202

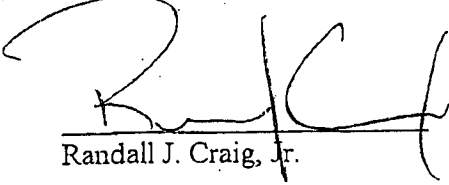
(410) 727-0406

Attorneys for Plaintiff

Marcus Conaway

PRAYER FOR JURY TRIAL

Plaintiff prays a jury trial.



Randall J. Craig, Jr.

Circuit Court for Baltimore City City or County

CIVIL—NON-DOMESTIC CASE INFORMATION SHEET

Directions:

Plaintiff: This Information Sheet must be completed and attached to the complaint filed with the Clerk of Court. A copy must be included for each defendant to be served. NOTE: If this information sheet is not completed, no action on the case will commence and the complaint may be subject to dismissal.

Defendant: You must complete bottom portion on page 2 and file with your answer. This Information Sheet cannot be accepted as an answer or response. Failure to file this form will be deemed to be an agreement with the Plaintiff's information.

CASE NAME: Conaway v P/O Gladstone, et CASE NUMBER: _____ (Clerk to insert)PLAINTIFF'S NAME: Marcus Conaway PHONE: () _____

ADDRESS: _____

PLAINTIFF'S ATTORNEY'S NAME: Randall J. Craig, Jr. PHONE: (410) 727 0406ATTORNEY'S ADDRESS: 207 E Redwood St., Ste 800 Baltimore MD 21202☐ I am not represented by an attorneyJURY DEMAND: ☒ Yes ☐ No Anticipated Length of Trial: _____ days or _____ hoursRELATED CASE PENDING? ☐ Yes ☒ No If Yes, Case #(s), if known: _____Has any form of Alternate Dispute Resolution (ADR) been tried? ☐ Yes ☒ No If yes, describe: _____Is there any reason ADR is not advisable? ☐ Yes ☒ No If so, state reason _____SPECIAL ADA REQUIREMENTS? ☐ Hearing impaired interpreter ☐ Other ADA accommodation

NATURE OF ACTION

TORTS		REAL PROPERTY
PERSONAL INJURY/with or without property damage <input type="checkbox"/> Motor Tort <input type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input type="checkbox"/> Professional Malpractice <input type="checkbox"/> Other	PROPERTY DAMAGE ONLY <input type="checkbox"/> Motor Tort <input type="checkbox"/> Product Liability <input type="checkbox"/> Other OTHER TORTS <input type="checkbox"/> Business Torts <input type="checkbox"/> Libel & Slander <input type="checkbox"/> Other Intentional Tort	<input type="checkbox"/> Ejectment/Title Dispute <input type="checkbox"/> Breach of Lease <input type="checkbox"/> Mechanic's Liens <input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation <input type="checkbox"/> Other Real Property
CONTRACT <input type="checkbox"/> Insurance <input type="checkbox"/> Other Contract <input type="checkbox"/> Confessed Judgment Note		MISCELLANEOUS <input type="checkbox"/> Adoption/Guardianship <input type="checkbox"/> Other _____
RELIEF REQUESTED: <input checked="" type="checkbox"/> Damages \$ <u>3,000,000.00</u> <input type="checkbox"/> Declaratory Relief		DISTRICT COURT/ADMVE AGEN <input type="checkbox"/> District Court Appeal <input type="checkbox"/> Record <input type="checkbox"/> De Novo <input type="checkbox"/> Jury Trial Prayer <input type="checkbox"/> Appeal from Admin Agency <input type="checkbox"/> Workers Comp <input type="checkbox"/> Other
<input type="checkbox"/> Injunction/Other Equitable Relief <input type="checkbox"/> Other: (please specify) _____		

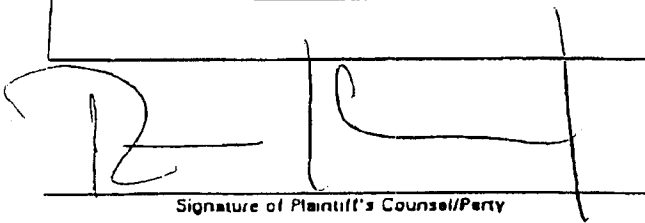
CASE NAME: Conaway v P/O Gladstone et CASE NUMBER: _____
Plaintiff Defendant (Clerk to insert)

Track Assignment (Requested):

- ☐ Expedited Non-jury case expected to go to trial within 2 months to 7 months.
- ☐ Standard-Short Case expected to go to trial in 7 months.
- ☒ Standard-Medium Case expected to go to trial in 12 months.
- ☐ Standard-Complex Case requires judicial intervention to determine appropriateness of the track. Please specify below your reasons for requesting this track:

Other Specialized Tracks

- ☐ Asbestos
- ☐ Lead Paint
- ☐ Other: (specify) _____
- _____
- _____


Signature of Plaintiff's Counsel/Party

2/10/06

Date

Randall J. Craig, Jr.

Print Name

Defendant: I concur with Plaintiff's Information Sheet ☐ Yes ☐ No If "No," you must file a separate Information Sheet or state basis of disagreement.

I concur except as follows: _____

I plan to file: ☐ Counter Complaint ☐ Cross Complaint ☐ Third Party Complaint

Signature of Defendant's Counsel/Party

Date

Print Name

Address